IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 16TH MARCH 2007 / 25TH PHALGUNA 1928

OP.No. 9551 of 2003(K)

PETITIONER:

JACOB MATHEW, MANAGING PARTNER,
KALLARACKAL AGENCIES, P.B.NO. 11, KANJIRAPPALLY,
KOTTAYAM DISTRICT.

BY ADV. SRI.MATHEW JOHN (K)
SRI.SUJESH MENON V.B.

RESPONDENTS:
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1. **THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES, KOTTAYAM.**

2. **THE KANJIRAPPALLY SERVICE CO-OPERATIVE BANK LTD. NO.2061, REPRESENTED BY ITS SECRETARY, KANJIRAPPALLY P.O., KOTTAYAM DISTRICT**

BY ADV. SRI.K.K.CHANDRAN PILLAI for R2
SRI.SUDHEESH.A.
BY GOVERNMENT PLEADER SMT. DEEPA for R1

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 16/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

O.P.NO.9551/2003 K

ORDER ON C.M.P.NO.16551/2003 IN O.P.NO.9551/2003 K

DISMISSED

16/03/2007 **SD/- KURIAN JOSEPH, JUDGE**

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE RECEIPT FOR PAYMENT OF RS.11.76,200.40 DATED 15/06/1995.**

EXT.P2: **COPY OF THE JUDGMENT IN O.P.NO.7804 OF 2001 DATED 25/02/2002.**

EXT.P3: **COPY OF THE RESOLUTION DATED 31/10/2002 BY THE BANK.**

EXT.P4: **COPY OF THE ORDER BY THE 1ST RESPONDENT DATED 5/11/2002.**

EXT.P5: **COPY OF THE RECEIPT FOR PAYMENT OF RS.8,40,000/- DTD. 17/02/2003.**

EXT.P6: **COPY OF THE PETITION DTD. 17/02/2003 BY THE PETITIONER.**

EXT.P7: **COPY OF THE OBJECTION FILED BY THE 2ND RESPONDENT DATED 21/02/2003.**

/TRUE COPY/

KSS

KURIAN JOSEPH, J.

O.P.No.9551 of 2003

Dated this the 16th day of March, 2007.

JUDGMENT

The writ petition is filed mainly for the following reliefs:

> "(i) Issue a writ in the nature of mandamus or any other appropriate writ, direction or order commanding the 1st respondent to allow the request of the petitioner in Ext.P6 and record full and final satisfaction in A.R.C.No.7 of 1991 pending between the petitioner and the 2nd respondent.
>
> (ii) Issue a writ in the nature of mandamus or any other appropriate writ, direction or order commanding the 1st respondent to pass final orders on Ext.P6 petition without any further delay."

2. According to the petitioner Ext.P4 order passed by the first respondent having become final, any liability on the part of the petitioner to pay interest is only in accordance with Ext.P4. In that regard the petitioner himself has submitted Ext.P6 before the first respondent.

3. There will be a direction to the first respondent to take appropriate action on Ext.P6 in the light of Ext.P4 with notice to the petitioner. The needful shall be done within a period of three months from the date of production of a copy of this judgment. It is made clear that subject to the decision thus taken by the

first respondent, consequential action for release of the documents, if required, will be taken by the first respondent.

Original petition is disposed of as above.

KURIAN JOSEPH, JUDGE

vns